IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 11892 of 2004(N)

PETITIONER:

RETHAN D'SOUZE, WALTER COMPUND,
NEAR SOLAR AUTOMOBILES, KULOOR,
PADUKODY VILLAGE, MANGLORE, KARNATAKA.

BY ADV. SRI.T.S.JOHN

RESPONDENTS:
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1. THE SUB DIVISIONAL MAGISTRATE,
(REVENUE DIVISIONAL OFFICER),
THIRUVALLA.

2. THE SUB INSPECTOR OF POLICE,
PULIKEEZH,
PATHANAMTHITTA.

3. BINDU VARGHESE, MARANGATTU PUTHEN
PARAMBIL, KURATHIKATTU MURI, THEKKEKARA
PANCHAYATH,
MAVELIKKARA.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL
SRI.C.S.MANU FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 11892/04

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF TRANSFER OF OWNERSHIP OF REGISTRATION CERTIFICATE.

EXT.P2: TRUE COPY OF RECEIPT OF PAYMENTOF INSTALMENT.

EXT.P2(a): TRUE COPY OF RECEIPT OF PAYMENT OF INSTALMENT.

EXT.P2(b): TRUE COPY OF RECEIPT OF PAYMENT OF INSTALMENT.

EXT.P2(c): TRUE COPY OF RECEIPT OF PAYMENT OF INSTALMENT.

EXT.P2(d): TRUE COPY OF RECEIPT OF PAYMENT OF INSTALMENT.

EXT.P3: TRUE COPY OF THE PETITION FILED BEFORE THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF NOTICE DATED 28.1.04 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 11892 OF 2004
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Dated this the 11th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the respondents to release Maruthi car bearing No.KA.19/M.2696 to the petitioner, being its registered owner. Pursuant to the interim order dated 30.4.04, on executing a bond with one solvent surety, the vehicle was ordered to be entrusted to the petitioner and it submitted that the said order has been complied with. It is now submitted by the learned Government Pleader that investigation of the case in relation to which the vehicle was seized has been completed and a report has been made that it was not a case of murder, but a case of suicide. In view of this development, the learned Government Pleader submits that continued availability of the vehicle in question is unnecessary for any investigation or trial.

2. In view of the aforesaid development, I am satisfied that the petitioner should be allowed to retain the vehicle in question, as he is the registered owner of the same. Accordingly, I make the order dated 30/4/04 absolute and direct the respondents to return the bond that was executed in terms of the interim order. It is submitted that the ownership of the vehicle in question is in dispute, although going by the records, the petitioner is the registered owner. I clarify that, I have not finally decided the title of the petitioner to the vehicle in question, and if any such dispute is raised by any party, it will be for the appropriate authority to decide the same.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp